

REMARKS

The enclosed is responsive to the Final Office Action mailed on July 20, 2010. An RCE accompanies this Amendment.

By way of the present response applicant has amended claims 1 and 13. No new matter has been added. Reconsideration of this application is respectfully requested.

Claims 1 and 13 have been amended to better define the invention. Support is found in the specification as originally filed. Applicant respectfully submits that no new matter has been added.

Claims 1, 3-9, and 13-14 stand rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,409,625 to Sakai et al. ("Sakai").

Sakai discloses a conventional ratio controlled type of variator that receives a control input that corresponds to a chosen variator ratio and automatically adjusts to provide the chosen ratio. In Sakai, pressurized oil is supplied to an up shift and downshift oil chamber based a target speed ratio. (Sakai, C4:L24-28). A speed ratio control valve controls flow rates of the passages for the oil chambers. (Sakai, Abstract). The speed ratio control valve includes a spool that is driven by a step motor that displaces the spool in order to achieve the target speed ratio. (Sakai, C5:L11,22). When a vehicle is traveling forward, a command corresponding to the target speed ratio is input to the step motor to displace the spool, which adjusts the angles of rollers to coincide with the angles for the target speed ratio. (Sakai, C5:L29-34). When the target speed ratio has been achieved, the spool in the valve is held in position. (Sakai, C5:L37-40).

Claim 1 as amended reads in part “wherein the electronic control is configured to determine the rate of flow in the hydraulic line, to **determine a consequent pressure change** between the actuator and the valve, and to adjust the valve setting **to compensate for the pressure change.**” (Emphasis added).

No part of Sakai discloses an electronic control that is configured to determine a flow rate in a hydraulic line, to determine a pressure change between an actuator and a valve, and to adjust a valve setting to compensate for the pressure change because in Sakai, a valve is not adjusted based on a pressure change between an actuator and a valve. Instead, in Sakai, a valve is controlled based on a target speed ratio. In Sakai, a required target speed ratio is set for the variator by use of the speed ratio control valve. The speed ratio control valve controls pressures applied to the variator to **bring it to a desired target speed ratio** by displacing a spool in the valve. When the target speed ratio has been achieved, the spool in the valve is held in position. (Sakai, C5:L37-40). Therefore, Sakai discloses a variator that is ratio controlled. In contrast, claim 1 reads an electronic control that is configured to adjust the valve setting to compensate for pressure change. Therefore, Sakai fails to teach or suggest “wherein the electronic control is configured to determine the rate of flow in the hydraulic line, to determine a consequent pressure change between the actuator and the valve, and to adjust the valve setting to compensate for the pressure change,” as set forth in claim 1.

Given that claims 3-9 and 13-14 are dependent claims with respect to claim 1, either directly or indirectly, and add additional limitations, applicant submits that claims 1 and 3-14 are not anticipated by Sakai under 35 U.S.C. § 102(b).

Accordingly, applicant respectfully submits that the rejection of claims 1 and 3-14 under 35 U.S.C. §102(b) as being anticipated by Sakai has been overcome.

The Examiner also cites Sakai under 35 U.S.C. §103(a). Presumably the Examiner is combining Sakai with alleged common knowledge in the art. Independent claim 1 is not anticipated by Sakai. Neither does Sakai and alleged common knowledge in the art render claim 1 obvious under 35 U.S.C. §103(a). Given that claims 3-9 and 13-14 are dependent claims with respect to claim 1, either directly or indirectly, and add additional limitations, applicant submits that claims 3-14 are not anticipated by Sakai. Sakai and alleged common knowledge in the art do not render claims 3-14 obvious under 35 U.S.C. §103(a). Accordingly, applicant respectfully submits that the rejection of claims 1 and 3-14 under 35 U.S.C. §103(a) has been overcome. However, if the Examiner persists in the rejection under 35 U.S.C. §103(a), applicant respectfully requests the Examiner to fully and explicitly show the foundation for a 35 U.S.C. §103(a) rejection.

Claims 13-14 stand rejected under 35 U.S.C. §103(a) as obvious over Sakai further in view of alleged common knowledge in the art or U.S. Patent No. 6,629,025 to Evans, et al. (hereinafter "Evans").

Regarding claims 13-14, the Examiner suggests that:

Regarding claim 13, Sakai et al do not disclose[s] the filters as claimed. However, such **filters are well known in the art for filtering out unwanted data/signals to produce more accurate output results** (support for the well known filters can be found in US 6,629,025).

(Office Action dated July 20, 2010 p. 3, emphasis added).

Claims 13 and 14 depend upon independent claim 1 and incorporate its limitations. It is respectfully submitted that Sakai does not teach or suggest a

combination with the alleged common knowledge in the art and that the alleged common knowledge in the art does not teach or suggest a combination with Sakai. It would be impermissible hindsight, based upon applicant's own disclosure, to combine Sakai and the alleged common knowledge in the art. Even if Sakai and the alleged knowledge in the art were combined, the combination would lack the limitations as amended in claim 1 "wherein the electronic control is configured to determine the rate of flow in the hydraulic line, to determine a consequent pressure change between the actuator and the valve, and to adjust the valve setting to compensate for the pressure change." Thus, the cited references, taken alone or in combination, do not teach or suggest the present invention as claimed in claim 1, and claims 13 and 14 which depend upon it. Applicant, accordingly, respectfully submits that the rejection of claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of alleged knowledge in the art has been overcome.

Evans discloses surge suppression control for a motor vehicle drivetrain. (Evans, Abstract).

It is respectfully submitted that Sakai does not teach or suggest a combination with Evans and that Evans does not teach or suggest a combination with Sakai. It would be impermissible hindsight, based upon applicant's own disclosure, to combine Sakai and Evans. Even if Sakai and Evans were combined, the combination would lack the limitations as amended in claim 1 "wherein the electronic control is configured to determine the rate of flow in the hydraulic line, to determine a consequent pressure change between the actuator and the valve, and to adjust the valve setting to compensate for the pressure change." Thus, the cited references, taken alone or in combination, do not teach or suggest the present invention as claimed in claim 1, and

claims 13 and 14 which depend upon it. Applicant, accordingly, respectfully submits that the rejection of claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of Evans has been overcome.

Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome. Applicant reserves all rights under doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: November 22, 2010

/Joan Obispo Arbolante/
Joan Obispo Arbolante
Reg. No. 58,642

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300
Fax No. (408) 720-8383

Customer No. 008791